

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
NEW JERSEY STATE
BOARD OF NURSING

IN THE MATTER OF THE
LICENSE OF

FLORENCE BAMMEKE, L.P.N.
License # 26NP05273900

TO PRACTICE NURSING IN THE
STATE OF NEW JERSEY

Administrative Action

**FINAL ORDER
OF DISCIPLINE**

This matter was opened to the New Jersey State Board of Nursing ("the Board") upon receipt of information which the Board has reviewed and upon which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Florence Bammeke ("Respondent") is a licensed practical nurse in the State of New Jersey, and has been a licensee at all times relevant hereto.
2. On or about March 28, 2011, Respondent completed and submitted an online biennial license renewal for the period of June 1, 2011 through May 31, 2013. The online renewal contains a question which asks "Will you have completed the required continuing education credits by May 31, 2011," referring to the biennial renewal period of June 1, 2009 through May 31, 2011. Respondent answered "yes" to the question, and certified that answer to be true by submitting the online application.
3. On or about January 10, 2012, the Board sent Respondent a Demand for Written Statement Under Oath (Demand) requesting information from Respondent. The

Demand requested that Respondent provide answers to ten questions, including a question which asked if she had completed the required continuing education courses, and requested that she provide proof of successful completion of all credits earned during the renewal period of June 1, 2009 through May 31, 2011.

4. As to the question concerning continuing education, Respondent maintained that she took all the required continuing education during the biennial period of June 1, 2009 – May 31, 2011, but that her employment agencies had all the certificates. (Pertinent portion attached as Exhibit D). Respondent failed to attach any certificates of completion of continuing education.

CONCLUSIONS OF LAW

Pursuant to N.J.A.C. 13:37-5.3, a nurse shall complete a minimum of 30 hours of continuing education per biennial period. Falsification of any information submitted on the renewal application may result in penalties and/or suspension or revocation of the license. N.J.A.C. 13:37-5.3(a). Additionally, a registered professional nurse or licensed practical nurse shall maintain continuing education compliance documentation for a period of four years after completion of the hours and shall submit such documentation to the Board upon request. N.J.A.C. 13:37-5.3(f).

Respondent failed to demonstrate, to the satisfaction of the Board, completion of the required thirty hours of continuing education for the biennial period of June 1, 2009 through May 31, 2011. Respondent failed to demonstrate completion of any hours of continuing education during that time frame. The Board therefore finds Respondent in violation of N.J.A.C. 13:37-5.3(b), which the Board deems professional misconduct within the

intendment of N.J.S.A. 45:1-21(e) and also constitutes a violation or failure to comply with a regulation administered by the Board within in the intendment of N.J.S.A. 45:1-21(h).

Further, the Board finds that Respondent's submission of her 2011 renewal, wherein she answered affirmatively that she had completed, or would complete, the required continuing education, and subsequent failure to provide documentation of completion, constitutes the use or employment of dishonesty, deception, or misrepresentation within the intendment of N.J.S.A. 45:1-21(b). See also N.J.A.C. 13:37-5.3.

Based on the foregoing findings and conclusions, a Provisional Order of Discipline was entered on August 27, 2012, provisionally suspending respondent's nursing license until she demonstrated completion of required continuing education, as well as provisionally imposing a public reprimand for misrepresentation on her renewal application and a \$250.00 civil penalty for failure to timely complete required continuing education. A copy of the Order was forwarded to respondent by certified and regular mail at her address of record. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th business day following entry unless respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

Respondent replied to the Provisional Order, furnishing documentation of thirty (30) contact hours of continuing education completed in September of 2012, and

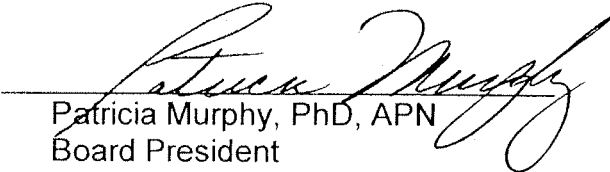
indicating that she understands that this continuing education may not be used to satisfy the 2011-2013 continuing education requirement. Accordingly, the Board considered this matter, and determined that suspension of respondent's nursing license was no longer appropriate, as respondent had documented belated completion of the 2009-2011 continuing education obligation. The Board further determined that inasmuch as no material discrepancies had been raised relating to the findings of fact or conclusions of law of the Provisional Order, the Provisional Order should be finalized, imposing the reprimand and the \$250.00 civil penalty.

ACCORDINGLY, IT IS on this 1st day of February, 2013,
ORDERED that:

1. Respondent is reprimanded for her violations of N.J.S.A. 45:1-21 (b).
2. A civil penalty in the amount of two hundred and fifty dollars (\$250) is imposed upon Respondent for her violation of N.J.S.A. 45:1-21(e) and (h). Payment shall be made by certified check or money order payable to [State of New Jersey,] delivered or mailed to George Hebert, Executive Director, State Board of Nursing, P.O. Box 45010, Newark, New Jersey 07101. Payment shall be made no later than 15 days after the date of filing of a Final Order of Discipline. In the event Respondent fails to make a timely payment, a certificate of debt shall be filed in accordance with N.J.S.A. 45:1-24 and the Board may bring such other proceedings as authorized by law.
3. The continuing education completed in September of 2012, submitted by respondent in response to the Provisional Order, may not be used to satisfy

respondent's continuing education obligation pursuant to N.J.A.C. 13:37-5.3 for the 2011-2013 renewal period.

NEW JERSEY STATE BOARD OF NURSING

By: 
Patricia Murphy, PhD, APN
Board President